

## UNCLASSIFIED

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BOGOTA 08818

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Chris  
Phum  
KJUSCLAN02:  
INFO: MILG OPM DEA USIS TAT ORA DAOCLAN01:  
ACTION: P/E  
INFO: DCM AMB NASLasers:  
INFO: FCS FAS

DISSEMINATION: POLD

CHARGE: PROG

APPROVED: AMB:CKAMMAN

DRAFTED: P/E:DBLAKENEY/MFITZP

CLEARED: DCM:BMOORE P/E:JMCMRIDE(SUBS) DAO:LMUNIZ

VZCZCBOI866

RR RUEHC RHEHNSC RUEKJCS RHEHOND RUMIAAA RUEKDIA

RUEAIIA

DE RUEHBO #8818/01 2602133

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: FRANK TUMMINIA  
DATE/CASE ID: 20 AUG 2003 200101358

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FM AMEMBASSY BOGOTA

TO RUEHC/SECSTATE WASHDC 0805

INFO RHEHNSC/NSC WASHDC

RUEKJCS/SECDEF WASHDC

RHEHOND/DIRONDPC WASHDC

RUMIAAA/USCINCSO MIAMI FL//SCJ2/SCJ5/POLAD//

RUEKDIA/DIA WASHDC

RUEAIIA/CIA WASHDC

BT

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SENSITIVE

E.O. 12958: N/A

TAGS: PHUM, PTER, MASS, KJUS, PINS, KVPR, PGCV, MARR, CO

SUBJECT: JUDICIAL PROGRESS IN SEGOVIA MASSACRE

REFS: A) JANUARY 14, 1999 ROMERO/KOH LETTER TO MFA

B) BOGOTA 4037 C) 98 BOGOTA 3766 D) 98 BOGOTA 14181

E) 98 BOGOTA 13950

1. (SBU) SUMMARY: THE COLOMBIAN NATIONAL (APPELLATE) TRIBUNAL UPHELD APRIL 14 A LOWER COURT'S MARCH 1998 CONVICTION AND SENTENCING OF FIVE SECURITY FORCE OFFICERS TO 18 YEARS' IMPRISONMENT EACH ON CHARGES OF "TERRORISM" FOR THEIR ROLES IN THE 1988 SEGOVIA MASSACRE. SIMULTANEOUSLY, THE COURT UPHELD CONVICTIONS OF FOUR CIVILIAN PARAMILITARIES. WHILE THE CIVILIAN COURTS CONTINUE TO EVADE A SERIOUS PROSECUTION OF THE CASE, NONETHELESS, SUSTAINED USG ATTENTION TO THE CASE HAS CONTRIBUTED TO AN IMPROVED SENSITIVITY ON THE PART OF THE MILITARY JUDICIARY TO POST-SEGOVIA HUMAN RIGHTS CASES. ON 9/7 ARMED FORCES

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COMMANDER GENERAL TAPIAS PROMISED THE AMBASSADOR TO LOCATE THE FORMAL RESPONSE TO REF A. END SUMMARY.

2. (U) OVER 100 CIVILIANS WERE KILLED OR WOUNDED ON NOVEMBER 11, 1988 AT SEGOVIA WHEN THREE TRUCKS OF ARMED MEN OPENED FIRE ON RESIDENTS GATHERED IN THE TOWN SQUARE. MEMBERS OF THE ARMY AND POLICE WERE ACCUSED OF ABETTING THE PARAMILITARY PERPETRATORS OF THE MASSACRE.

3. (SBU) CIVILIAN COURT CASES: THE COMPLEX COLOMBIAN CIVILIAN JUDICIAL PROCESS IS FURTHER CONFUSED BY CONSTITUTIONAL AND OTHER CHANGES WHICH HAVE TAKEN PLACE IN THE ELEVEN YEARS SINCE THE MASSACRE OCCURRED. TO SUMMARIZE, THREE OF THE FIVE SECURITY OFFICERS WERE CHARGED IN CIVILIAN COURTS WITH THE CRIME OF TERRORISM IN 1989; TWO OTHERS WERE SO CHARGED IN 1993. THE MILITARY REPEATEDLY CHALLENGED CIVILIAN JURISDICTION FOR THIS CHARGE, AND DECLINED TO DETAIN DEFENDANTS PENDING THE OUTCOME OF THESE CHALLENGES AND DEFENDANTS' APPEALS. THE SUPREME COURT RULED AGAINST THE MILITARY IN 1989; THIS WAS REAFFIRMED BY THE SUPERIOR JUDICIAL COUNCIL IN 1993 AND 1997. IN MARCH, 1998 THE FIVE OFFICERS WERE CONVICTED BY A LOWER COURT AND SENTENCED TO 18 YEARS IMPRISONMENT; THAT DECISION WAS UPHELD ON APRIL 14, 1999.

4. (SBU) THE MOD CONFIRMED TO POST IN AUGUST, 1999 THAT THE FOUR ARMY OFFICERS IN QUESTION HAVE BEEN CONFINED TO BASE AND RESTRICTED TO HALF-PAY (AN ACCEPTABLE FORM OF DETENTION UNDER COLOMBIAN LAW). THE FIFTH, A POLICE OFFICER, HAS BEEN CONFINED TO BASE SINCE THE MARCH 1998 RULING. THE FIVE OFFICERS HAVE APPEALED TO THE SUPREME COURT, CHALLENGING THE TESTIMONY OF AT LEAST ONE KEY WITNESS. THE APPEAL COULD TAKE AT LEAST ANOTHER YEAR. (REF D INCORRECTLY REPORTED THE NAMES OF THE FIVE OFFICERS; COURT DOCUMENTS CONFIRM THEY ARE: ARMY LT.COL. ALEJANDRO LONDONO TAMAYO, ARMY LT. COL. MARCO HERNANDO BAEZ GARZON, ARMY MAJ. HUGO ALBERTO VALENCIA VIVAS, ARMY LT. EDGARDO HERNANDEZ NAVARRO, NATIONAL POLICE CPT. JORGE ELIECER CHACON LASSO). FOUR OTHER OFFICERS WERE CHARGED IN CIVILIAN COURTS AT DIFFERENT POINTS IN THE PROSECUTION, BUT CHARGES WERE SUBSEQUENTLY DROPPED.

5. (SBU) FOUR CIVILIANS ACCUSED OF PARTICIPATING IN THE MASSACRE WERE ALSO SENTENCED IN MARCH 1998; THEIR ORIGINAL SENTENCES RANGED FROM 28 TO 30 YEARS EACH. IN APRIL 1999 THEIR CONVICTIONS WERE UPHELD AS WELL, BUT THEIR SENTENCES REDUCED TO BETWEEN 26-28 YEARS EACH. (THE FOUR CONVICTED CIVILIANS ARE: CARLOS MARIO RUIZ VILLA, MARCO ANTONIO RUIZ VILLA, FRANCISCO DE JESUS MONSALVE MONSALVE, JOSE OTONIEL URIBE CATANO).

6. (SBU) MILITARY PROSECUTIONS: ON AT LEAST TWO OCCASIONS CIVILIAN JUDICIAL AUTHORITIES REQUESTED THAT MILITARY COUNTERPARTS INVESTIGATE AND, IF APPROPRIATE, TRY NINE OFFICERS FOR A SERIES OF CHARGES RELATED TO THE SEGOVIA MASSACRES. SO FAR, NO SECURITY FORCE OFFICER HAS EVER BEEN TRIED BY THE MILITARY JUDICIARY ON ANY OF THE MULTIPLE CHARGES STEMMING FROM THE SEGOVIA MASSACRE. IN 1997, THE 14TH BRIGADE COMMANDER PROCEDURALLY DISMISSED FOUR OF THE MILITARY CHARGES (PERSONAL

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INJURY, CONSPIRACY, DAMAGE, AND HOMICIDE) AGAINST SIX OF THE ARMY OFFICERS; HE DID NOT ADDRESS TWO OTHER CHARGES (CONSPIRACY AND DERELICTION OF DUTY). ACCORDING TO PRESS REPORTS AND THE MOD, IN A FOLLOW-ON 1998 DECISION THE SUPERIOR MILITARY TRIBUNAL UPHELD THE BRIGADE COMMANDER'S DECISION, AND ALSO DISMISSED THE SAME CHARGES AGAINST TWO POLICE OFFICERS. CHARGES AGAINST THE NINTH OFFICIAL, BRIGADIER GENERAL ROJAS, WERE NOTED IN THE 1997 DECISION BUT NEVER REAPPEARED. IN A FEBRUARY, 1999 UNOFFICIAL RESPONSE TO REF A, THE MOD REPORTED THAT THE INVESTIGATION RESTED WITH THE 14TH BRIGADE MILITARY COMMANDER (THE MILITARY JUDGE OF FIRST INSTANCE) AND, ONCE COMPLETED, MILITARY JUDICIAL AUTHORITIES WOULD DETERMINE WHETHER AND HOW TO PROCEED. ON SEPTEMBER 7 MILITARY FORCES COMMANDER GENERAL TAPIAS TOLD THE AMBASSADOR HE WOULD FIND OUT THE STATUS OF A FORMAL RESPONSE TO REF A.

7. (SBU) COMMENT: THE CIVILIAN PROCEEDINGS AGAINST THOSE ACCUSED OF THE SEGOVIA MASSACRE WERE CONVOLUTED, BUT A LARGE PART OF THE COMPLEXITY DERIVED FROM MILITARY CHALLENGES TO CIVILIAN PROSECUTION. THE ADVANCEMENT OF CIVILIAN COURT PROCEEDINGS THEREBY MARKS AN IMPORTANT STEP IN THE EFFORT TO ADDRESS IMPUNITY IN COLOMBIA. THE LACK OF COMPARABLE ACTION WITHIN THE MILITARY JUDICIAL SYSTEM HIGHLIGHTS THE FLAWS WHICH REFORMERS HOPE TO ADDRESS WITH THE NEW MILITARY PENAL CODE, IMPLEMENTATION OF WHICH REMAINS DEPENDENT ON PENDING ENABLING LEGISLATION. POST BELIEVES THAT SUSTAINED USG ATTENTION TO THIS CASE HAS CONTRIBUTED TO AN IMPROVEMENT IN MILITARY JUDICIAL SENSITIVITY TO HUMAN RIGHTS CASES SINCE SEGOVIA.

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*(PINS)* (L3)  
*INCOMING*  
*TELEGRAM*  
*Department of State*  
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ACTION ARA-01

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ACTION OFFICE CO-02  
INFO FILE-01 ARA-06 PPC-01 ECP-01 OAS-01 PPA-01 DAND-02  
/BIS A1 YC

INFO LOG-02 AOS-08 INR-10 CIAE-08 DODE-08 NSAE-08 SSO-08  
PA-02 INRE-08 USIE-08 SP-02 PRS-01 DS-08 SCI-02  
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FM AMEMBASSY BOGOTA  
TO USINFO WASHDC IMMEDIATE  
SESTATE WASHDC PRIORITY 1178  
INFO VOA MIAMI

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USIA FOR P/M, AR, P/PPL, P/FW, P/FN, VOA/BRL

STATE FOR ARA/P, ARA/AND

E.O. 12356: N/A  
SUBJECT: MEDIA REACTION - VIOLENCE IN COLOMBIA

1. SECOND LEADING DAILY EL ESPECTADOR CARRIED 11/16 EDITORIAL PAGE COMMENTARY BY COLUMNIST MARIA TERESA HERRAN ON THE WEEKEND MASSACRE IN THE TOWN OF SEGOVIA AND ON THE ROLE OF JOURNALISTS IN REPORTING THAT TYPE OF NEWS. FOLLOWING IS TRANSLATION OF PIECE, ENTITLED "DEFENDERS OF THE SYSTEM?"

2. (BEGIN) "ENOUGH" WAS THE THREE COLUMN HEADLINE ON THE FRONT PAGE OF LEADING OPPOSITION DAILY EL SIGLO ON SUNDAY, AND IN ITS REPORT ABOUT THE SEGOVIA MASSACRE (EL SIGLO ASSERTED: 'AT LEAST 45 PEOPLE WERE KILLED IN AN ATTACK ALLEGEDLY BY GUERRILLAS FROM THE FARC AND ELN GROUPS.' THE CORRESPONDENT USED THE COMMANDER OF THE 14TH BRIGADE, BASED IN PUERTO BERRIO, AS DIRECT SOURCE FOR THIS INFORMATION.

THE POINT IS NOT TO ANALYZE SO MUCH THIS EXAMPLE OF DISINFORMATION THAT IMPLIES A DEPENDENCY ON ONLY ONE SOURCE OF INFORMATION - IN THIS CASE THE MILITARY - WHICH HAS BECOME LATELY A SAD CUSTOM OF COLOMBIAN JOURNALISM WITH NEWS THAT DEAL WITH VIOLENCE. AT ONE POINT IN TIME JOURNALISTS FLIRTED WITH GUERRILLAS, ACTING AS MESSENGERS, AND THEY ALSO FLIRTED WITH THE GOVERNMENT (BY) PARTICIPATING IN PEACE COMMISSIONS WHEN THAT WASN'T THEIR FUNCTION. NOW JOURNALISTS BELIEVE WHAT THE MILITARY TELLS THEM AND THEY FULFILL VERY LITTLE OF THEIR DUTY TO INVESTIGATE THE FACTS. BUT THE MOST SALIENT CHARACTERISTIC OF THE HORRIBLE MASSACRE IN SEGOVIA IS THE SPEED WITH WHICH THE MILITARY COMMAND BLAMES THE GUERRILLAS FOR THE DEATHS IN A DIRTY WAR IN WHICH THE CIVILIAN AND MILITARY ESTABLISHMENT IS EXTREMELY TOLERANT OF THE GROUPS TERMED AS PARAHILITARY.

THERE IS NO DOUBT THAT GENERAL LANDAZABAL (EX-MINISTER OF DEFENSE) IS RIGHT WHEN HE SAYS THAT THE TERM IS ILL-MOTIVATED AND IMPLIES THE DIRECT PARTICIPATION OF THE ARMED FORCES. LET US CALL THEM DEATH SQUADS. BUT THAT DOESN'T DISCARD THE QUESTION BEING ASKED BY THOSE OF US WHO THINK THAT NOT ALL THE MEANS ARE LEGAL SO LONG AS THE END IS REACHED, IN THIS CASE THE DEFENSE OF THE SYSTEM.

THE ATTORNEY NAMED BY THE ARMED FORCES HAS PROMISED TO FIND OUT WHY THE MILITARY AND THE POLICE KEPT SO STILL  
UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: THEODORE SELLIN  
DATE/CASE ID: 01 JUL 2003 200101358

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DURING THE SEGOVIA MASSACRE. IT IS HOPED THAT HE WILL SINCE THE LEGITIMACY OF THE SYSTEM DEPENDS ON HIS RESULTS. WE CANNOT IGNORE THE FACT THERE IS A DIRTY WAR, IN WHICH THE GUERRILLA IS NOTHING TO BE ADMIRE.

BUT THE SOLUTION IS NOT THE RESIGNATION OF MINISTER OF GOVERNMENT GAVIRIA EITHER, AS REQUESTED BY THE PRESIDENT OF U.P. (LEFTIST PARTY). BUT INSTEAD OF TALKING ABOUT SOMETHING ELSE, SHOWING A GREAT LACK OF CONSCIENCE, THE ESTABLISHMENT MUST TAKE A TRUTHFUL AND DECISIVE POSITION ABOUT WHAT IT IS SUPPOSED TO DEFEND AND WHY DEATH SQUADS, FINANCED BY DRUG TRAFFICKING, CANNOT BE TOLERATED BY THE CIVILIAN AND MILITARY AUTHORITIES, FOR THERE IS A DANGER THAT OUR DEMOCRACY MIGHT LOSE ITS REASON FOR BEING." (END TRANSLATION).

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